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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,458	10/23/2000	Robert James Monson	5475	9661
7590	04/29/2004		EXAMINER	
Carl L. Johnson Jacobson and Johnson Suite 285 One West Water Street St. Paul, MN 55107-2080			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 04/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/694,458	MONSON ET AL.	
	Examiner	Art Unit	
	Alfred J Wujciak III	3632	

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 2/2/04.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7 and 8 is/are allowed.
- 6) Claim(s) 1-6 and 9-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 02 February 2004 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the final Office Action for the serial number 09/694,458, Shock and Vibration System, filed on 10/23/00.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 3,565,386 to Lemkull.

Lemkull teaches a shock and vibration system (figure 1) comprising a first member (18) having an interior space and a second member (B) being positioned interiorly with respect to the first member. The system comprises a plurality of elastomeric shock mounts (26) having a first end connected to the first member and a second end connected to the second member. The second member has a chamber with a platform therein. The platform coaxially positioned with respect to the first member. The first member is fixedly mounted (figure 1a). The second member is fixedly mounted (figure 1). The first member circumferentially surrounds the second member (figure 2). The first member comprises a platform having an interior space. The second member comprises a pole (B). The pole is positioned interiorly with respect to the platform. The platform extends radially outward from the pole. The elastomeric shock mounts is cantilevered at an acute angle between the first and second members. The system includes

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at least four elastomeric shock mounts symmetrical positioned around the pole. The first member comprising a plurality of storage compartments (16) having an interior space. Each plurality of elastomeric shock mounts having a first end connected to the plurality of storage compartments and a second end connected to the pole.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemkull.

Lemkull teaches all elements above but fails to teach the use of elements in method, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for the elements to avoid damaging the second member when mounting the shock mounts thereon.

Allowable Subject Matter

Claims 7-8 are allowed.

In regard to claims 7-8, the prior art fails to teach a plurality of workstations is symmetrically and concentrically positioned on the platform.

Response to Arguments

Applicant's arguments filed 2/2/04 have been fully considered but they are not persuasive.

With respect to applicant's argument on pages 3-4 stating that Lemkull's second member does not have a platform. In the specification of Lemkull's invention in column 1, lines 59-68, "B" is a body having a housing with a domed top and a 'platform mounted in the housing'. (Emphasis added.) Therefore, Lemkull's body has a platform that is coaxially positioned with respect to the first member.

In pages 5-6, the applicant argues that Lemkull does not teach the second member comprising a pole and that the second member represents a body with housing and a domed top. According to Merriam Webster Collegiate Dictionary, pole is a long slender usually cylindrical object. Lemkull shows the second member having body "B" shaped as cylindrical object, which is considered as a pole.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

ASW

4/20/04


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER